



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	
EBONY C. LIVINGSTON, RN	:	ADMINISTRATIVE ACTION
License No. 26NR15085000	:	
	:	
	:	FINAL ORDER OF
	:	DISCIPLINE
TO PRACTICE NURSING IN THE STATE	:	
OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ebony C. Livingston ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on December 26, 2012 by the Mount Laurel Township Police Department for violation of N.J.S.A. 2A:160-10

(Fugitive From Justice), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Bensalem, Pennsylvania, via regular and certified mail on or about December 28, 2012. The regular mail was not returned. The United States Postal Service track and confirm system indicates that notices were left in Bensalem on January 4, 2013, and February 5, 2013, regarding attempted deliveries of the certified mail.

3. On or about May 8, 2012, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 to May 31, 2014.

4. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 to May 31, 2012. Respondent answered "Yes" and certified that answer by submitting the online application.

5. On or about May 14, 2014, Respondent completed and submitted an online biennial renewal for the period of June 1, 2014 to May 31, 2016.

6. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial

renewal period of June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application.

7. To date, Respondent has not responded to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial periods of June 1, 2010 to May 31, 2012 and June 1, 2012 to May 31, 2014.

The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered October 17, 2014, provisionally suspending respondent's nursing license and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, documenting completion of a total of 60.7 contact hours of nursing continuing education, and furnishing the information and documents requested

in the Board's original letter of inquiry. A money order in the amount of \$750 was also included. The qualifying continuing education that was provided was all completed in November of 2014, however, thus indicating that respondent did not timely complete her continuing education obligation for the 2010-2012 and 2012-2014 licensing cycles, and that respondent engaged in misrepresentation on her renewal applications for 2012 and 2014. The Board therefore determined that suspension was no longer applicable, as respondent had remedied her deficiencies with regard to continuing education. The Board further determined, however, that finalization of the Provisional Order, including the reprimand for misrepresentation and the \$750, was warranted.

ACCORDINGLY, IT IS on this 29th day of June, 2015,

ORDERED that:

1. A reprimand is hereby imposed on Respondent for falsifying the continuing education information on her license renewal application.

2. Respondent is hereby assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing

education. As respondent has already submitted payment of this amount, respondent need take no further action in this regard.

3. The continuing education completed on November 10, 2014 and November 13, 2014, and submitted in response to the Provisional Order of Discipline filed on October 17, 2014, may not be utilized to satisfy respondent's continuing education obligation for the 2014-2016 licensing cycle.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*
Patricia Murphy, PhD, APN
President